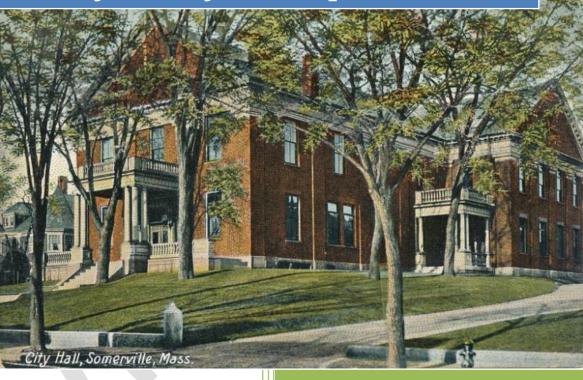
# Civilian Oversight of Police in Somerville: Preliminary Analysis Report



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### **Executive Summary**

In June of 2020, the Somerville City Council<sup>1</sup> and Mayor's Office<sup>2</sup> publicly pledged to establish a civilian oversight system for the Somerville Police Department, in order to increase accountability, transparency, and public trust. The City Council and Mayor's Office also committed to an ongoing and open community dialogue around how a civilian oversight structure would best function in Somerville. As part of this objective, the City Council established two new staff roles: Legislative & Policy Analyst, to assist in the legislative process, and Public Outreach Coordinator, to assist with community outreach and engagement.

In my role as Legislative & Policy Analyst, I have conducted preliminary research on numerous models of police oversight across the country and have included some examples in this report. Information was gathered from various sources that include structural guides from the National Association for Civilian Oversight of Law Enforcement (NACOLE), municipal ordinances, local new sites, town hall videos, and social media pages.

The research has guided me to the core elements for an effective civilian oversight system as well as the types of oversight models that currently are the foundational structures of agencies across the country:

Review-focused models
Investigative models
Auditor/Monitor models
Hybrid models

Many cities have only recently created oversight agencies as a response to the national demand of police reform that resulted from the murders of George Floyd and Breonna Taylor in the summer of 2020. Cities that did have oversight agencies have revamped their form of police oversight that were ineffective because original versions lacked sufficient authority, community members did not engage with them, or because of political gridlock, among other reasons. In Massachusetts, there are currently four cities that have a form of police oversight: Boston, Cambridge, Pittsfield, and Springfield.

Creating an effective Civilian Oversight Board in Somerville will require extensive, ongoing, and multilingual community outreach, and particularly active efforts to bring diverse voices to the table. Listed at the end of this report are proposed outreach strategies to engage diverse members of our community in Somerville's efforts to create a system of civilian oversight of police.

<sup>&</sup>lt;sup>1</sup> City Council Order 210235, June 11, 2020: Calling upon this Council to create a Police Commission and a Community Police Review Agency.

<sup>&</sup>lt;sup>2</sup> Not Just Police Reform, Reimagining Policing. Not Just Police Reform, Reimagining Policing | City of Somerville. (2020, June 3). <a href="https://www.somervillema.gov/policereform">https://www.somervillema.gov/policereform</a>.

### Civilian Oversight Overview

Oversight of law enforcement is the function of reviewing and evaluating a police department's policies, practices, and procedures, to ensure it is adhering to Constitutional and municipal codes of ethics.

The concept of civilian oversight involves an officially-recognized group of civilians (those who have not taken an oath to serve as law enforcement officers) to oversee the functions of respective police departments in order to improve transparency, accountability, and public trust.

Oversight agencies have typically been established by City Charter or municipal ordinances. These agencies are commonly tasked with receiving complaints against law enforcement officers from the public at large, determining whether the complaints merit further investigations, and how to conduct such investigations if they have the authority to do so.

Major benefits of civilian oversight include:<sup>3</sup>

- Community members having a place to voice concerns outside of the law enforcement agency
- Improving the quality of a department's internal investigation procedures of alleged misconduct
- Holding police officers accountable where there are findings of misconduct
- The reduction of public concern regarding high profile cases
- The improvement between community members and police departments by fostering communication between them

The National Association for Civilian Oversight of Law Enforcement (NACOLE) identifies the 5 common goals and core principles of oversight as:



Improving public trust

Promoting thorough and fair investigations

**Ensuring accessible complaint processes** 

**Increasing transparency** 

**Deterring Police misconduct** 

<sup>&</sup>lt;sup>3</sup> NACOLE. (2016). What are the benefits of police oversight? National Association for Civilian Oversight of Law Enforcement. <a href="https://www.nacole.org/benefits">https://www.nacole.org/benefits</a>.

### Core Principals of Civilian Oversight

### Independence

Independent of police, political actors, and special interests

#### **Adequate Jurisdiction & Authority**

Authority in order to effectively function, perform duties, and complete investigations for organizational roles is crucial

### Unfettered Access to Records & Facilities

Access to all police databases for relevant records or other matters

# Access to Law Enforcement Executives & Internal Affairs Staff

Ongoing communication with law enforcement officials in order to promote cooperation to implement recommendations where necessary

### **Full Cooperation**

Ability of the oversight agency to obtain sufficient information for any work performed

### **Sustained Stakeholder Support**

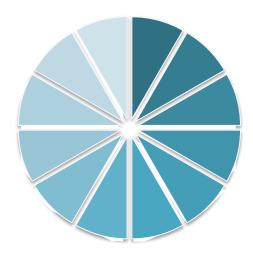
Ability of the oversight agency to maintain the support of government officials and office holders is crucial for long-term independence, accountability, and transparency

# Adequate Funding & Operational Resources

To ensure work performed is thorough, timely, and at a high level of competency, adequate budget and staffing are necessary

#### **Public Reporting & Transparency**

In order to be transparent to the community, at minimum, annual reporting that includes the agency's operations, patterns and trends in discipline, and the agency's recommendations for the year, should be made accessible.



### Policy & Patterns in Pattern Analysis

Data-driven and evidence-based analyses of specific issues over time that can help oversight agencies pinpoint areas of concern and recommendations for improvement

#### **Community Outreach**

Outreach to members of the community builds awareness of the civilian oversight agency, helps recruit volunteers, allows for transparency with the community, builds credibility

#### **Community Involvement**

Community input regarding how civilian oversight should function and which accountability issues it should address, will result in the creation of a "best fit" oversight system

### Confidentiality, Anonymity, & Protection from Retaliation

To maintain credibility, legitimacy, and public trust, oversight agencies must respect confidentiality agreements and maintain anonymity of those who wish so

### **Procedural Justice & Legitimacy**

How authority is exercised can impact the public's compliance with the laws and willingness to assist in crime control efforts.

### Models of Civilian Oversight

According to the National Association of Civilian Oversight in Law Enforcement (NACOLE), there are around 150 oversight agencies across the United States. Most of these agencies incorporate a combination of functions and can include a community board, a police commission, investigation of police misconduct, monitoring of a police department's internal investigations, or other functions.

Since there is no strict definition that explains what a civilian oversight agency can do, scholars and practitioners have characterized civilian oversight into four foundational structures:4

### Review-Focused Model

These systems involve a board/commission or panel that is authorized to review completed internal affairs investigations.

### Investigative Model

These systems of oversight involve civilians outside law enforcement who investigate complaints of police misconduct.

#### Auditor/Monitor Model

These systems tend to have an ongoing auditing or monitoring authority over the police department and independent investigations.

With different organizational structures and authority, NACOLE suggests that cities and municipalities establish civilian oversight agencies models in conjunction with the needs and wants of the local community. Thus, Hybrid models, have become commonplace, as they combine organization structures and authority to fit the unique needs of their environment.

**Hybrid models** of oversight generally have more to do with an agency's function, power and authority rather than structural characteristics, which underscores the concept that of considering a "best fitting" model of oversight rather than "best practice."

Given that social, economic, cultural, and political differences exist among cities across the country, it is likely that no single model of oversight is going to work for all jurisdictions equally. Therefore, determining the best oversight model for any individual jurisdiction will depend on the circumstances such as cultural diversity, community engagement, approved scope of authority, long-term plans, and budgetary projections.

<sup>&</sup>lt;sup>4</sup> Buchner, B. (2016). Guidebook for the Implementation of New or Revitalized Police Oversight, National Association for Oversight of Law Enforcement.

### **REVIEW-FOCUSED MODELS**

The review-focused models examine the quality of completed internal affairs investigations of police departments. These models tend to be volunteer-led and are established around the idea of community input and allow for reviewing completed internal affairs investigations, reviewing thoroughness of the investigations, making recommendations, and holding public meetings.

In addition, some review boards may serve as a substitute point for civilian community members who would like to file a complaint against a police officer, but are uncomfortable visiting a police facility to do so. In these instances, the review board will generally send the complaints to the police facility's internal affairs unit for investigation.<sup>5</sup>

#### Potential Strengths:

- Provides a high level of transparency and facilitates community involvement/input.
- · May increase community trust and decrease police bias
- Can help to identify and correct deficiencies within individual complaint investigations
- Tends to be the least expensive form of oversight since it is volunteer-led

#### Potential Limitations:

- Authority is limited in what information is accessible
- May be less independent from the police department.
- Volunteer board members may have less training and expertise in police issues.
- May be limited in promoting large-scale systemic organizational change.

#### Examples of Review-Focus models across the country:

- Detroit, MI Board of Police Commissioners (BOPC)<sup>6</sup>
- Kansas City, MI Office of Community Complaints (OCC)<sup>7</sup>
- Indianapolis, In Citizen Police Complaint Board (CPCB)<sup>8</sup>
- Boise, ID Office of Police Oversight (CPO)<sup>9</sup>

<sup>&</sup>lt;sup>5</sup> De Angelis, J., Rosenthal, R., & Buchner, B. (2016, September). <u>Civilian Oversight of Law Enforcement, Assessing the Evidence</u>.

<sup>&</sup>lt;sup>6</sup> Charter of the City of Detroit, Article 7, Chapter 8: Police.

<sup>&</sup>lt;sup>7</sup> Missouri Revised Statute 84.430.

<sup>&</sup>lt;sup>8</sup> Marion County, Indiana – Code of Ordinances: Chapter 202, Article VIII. Citizens' Police Complaint Process.

<sup>9</sup> City Code – Title 2: Boards, Commissions, Committees. Chapter 10.

### **INVESTIGATIVE MODELS**

Investigative models of police oversight involve independent investigations over alleged misconduct of police officers by community members. Their primary goal is to ensure the integrity of investigations of complaints, new or completed. These models may be led by community members and/or skilled investigators or a consultant, which means they do not rely on investigators or investigations from within the police department and may completely replace the police internal affairs function or can parallel or duplicate the work of internal affairs.

These systems also allow for making recommendations as to whether complaints are substantiated by evidence and whether to recommend discipline.<sup>10</sup>

Moreover, these models can also serve as the primary point of contact for public complaints of police conduct.

### Factors to consider when creating an Investigative Agency<sup>11</sup>:

- The types of complainants that can be investigated (e.g., on duty/off duty, criminal, use of force, biased policing, discourteous conduct, etc.);
- The ability to require witnesses to provide testimony (through subpoena power or otherwise);
- · Whether investigators will be on scene at critical incidents;
- Have access to incident reports, communications data, use-of-force statements, video and audio recordings, and other evidence maintained by the law enforcement agency;
- Witness representation rights;
- The statute of limitations for bringing complaints:
- Timelines for completing investigations;
- Whether complaints need to be triaged so that only the most serious allegations or those involving broader organizational issues will be investigated;
- Who will make final decisions on complaints and how disciplined will be determined:
- Review and appeal options for complainants and officers; and,
- Whether there will be systematic review of complaint trends to report to the police agency and public.

<sup>&</sup>lt;sup>10</sup> Buchner, B. (2016). <u>Guidebook for the Implementation of New or Revitalized Police Oversight</u>. National <u>Association for Oversight of Law Enforcement</u>.

Attard, B., & Olson, K. (2013). <u>Overview of Civilian Oversight of Law Enforcement in the United States</u>. Accountability Associates.

### **INVESTIGATIVE MODELS**

### Potential Strengths:12

- Most independent form of oversight
- Investigations may increase community trust in the investigation process and reduce bias in investigations
- May be staffed by non-police investigators with skill and experience
- May replace or duplicate police internal affairs process

#### **Potential Limitations**

- Most expensive and organizationally complex form of civilian oversight because of training involved
- Civilian investigators may face strong resistance from police personnel and police unions
- Investigations may take a long time, public confidence may wane over time

#### Examples of Investigative models across the country:

- San Diego, CA Commission on Police Practices (CPP)<sup>13</sup>
- Atlanta, GA Citizen Review Board (CRB)<sup>14</sup>
- Oakland, CA Community Police Review Agency (CPRA)<sup>15</sup>
- Chicago, IL Civilian Office of Police Accountability (COPA) <sup>16</sup>

<sup>&</sup>lt;sup>12</sup> De Angelis, J., Rosenthal, R., & Buchner, B. (2016, September). <u>Civilian Oversight of Law Enforcement</u>, <u>Assessing the Evidence</u>.

<sup>&</sup>lt;sup>13</sup> San Diego Municipal Code: Chapter 2, Article 6, Division 11.

<sup>&</sup>lt;sup>14</sup> City of Atlanta Code of Ordinances: Part I. Charter and Related Laws. Subpart A. Appendix IV.

<sup>&</sup>lt;sup>15</sup> Oakland Municipal Code: Chapter 2.46 – community Police Review Agency.

<sup>&</sup>lt;sup>16</sup> Municipal Code of Chicago: Chapter 2-78, Civilian Office of Police Accountability.

### **AUDITOR/MONITOR MODELS**

Often referred to as "auditors," "monitors," or "ombudsmen" agencies, these models tend to focus on promoting large-scale, on-going systemic reform of the police department. With the ability to actively engage in many or all of the steps of an established complaint process, these agencies ensure that misconduct investigations are conducted in a fair and thorough manner.

One core characteristic of auditor/monitor models is their practice of analyzing trends and patterns of police conduct by having access to review all complaints and other sources of police activity, like internal complaints, police training, and other police-related procedures. This information is used to generate reports, offer policy and training recommendations, and effect broader change in the police agency as a whole, as well as in individual units with problematic complaint history.

### Factors to consider when creating an Auditor/Monitor Agency<sup>17</sup>:

- Whether the auditor/monitor will focus only on reviewing complaint investigations or has the authority to investigate cases;
- The range of the auditor/monitor's access to police agency data;
- Whether the auditor/monitor will roll out to critical incidents:
- The statute of limitations for bringing complaints;
- Review and appeal options for complainants and officers;
- Whether the auditor/monitor has the authority to analyze other police systems such as use of force review procedures or training programs;
- Whether there are clear procedures for the law enforcement agency to respond to recommendations made by the auditor/monitor;
- Whether the auditor/monitor has the power to require implementation of policy and training recommendations; and
- The frequency and nature of reports to be generated by the auditor/monito to the policy agency and public.

<sup>&</sup>lt;sup>17</sup> Attard, B., & Olson, K. (2013). <u>Overview of Civilian Oversight of Law Enforcement in the United States</u>. Accountability Associates.

### **AUDITOR/MONITOR MODELS**

#### Potential Strengths:<sup>18</sup>

- May have broader access to police records, case files and electronic bases
- May be more effective at promoting long-term, systemic change in police organizations through auditing/monitoring investigations, recommending potential changes, and tracking whether police departments implemented their recommendations
- More robust public reporting may lead to an increase in credibility with the public and more effective public outreach

### Potential limitations:

- Requires extensive data collection and analysis ability and is strongly dependent on the quality of the staff hired
- Prone to criticism from the public and police department since the primary goal of the agency is to be fair and unbalanced
  - Might not effect change in particular cases, but rather effect change in the long-run
- Can only make recommendations and cannot compel law enforcement to make systemic changes

#### Examples of Auditor/Monitor models across the country:

- Denver, CO Office of the Independent Monitor (OIM)<sup>19</sup>
- New Orleans, LA Office of Independent Police Monitor (OIM)<sup>20</sup>
- New York, NY Civilian Complaint Review Board (CCRB)<sup>21</sup>

<sup>&</sup>lt;sup>18</sup> De Angelis, J., Rosenthal, R., & Buchner, B. (2016, September). <u>Civilian Oversight of Law Enforcement</u>, Assessing the Evidence.

<sup>&</sup>lt;sup>19</sup>Denver, CO Code of Ordinances: Chapter 2, Article XVIII – Office of the Independent Monitor

<sup>&</sup>lt;sup>20</sup> New Orleans City Council Ordinance: Chapter 2, Article XVII. Sec. 2-1121 – Office of Independent Police Monitor.

<sup>&</sup>lt;sup>21</sup> New York City Charter: Chapter 18-A, Sec. 440 – Civilian Complaint Review Board

### Common Characteristics and Forms of Authority by Oversight Model<sup>22</sup>

Review-Focused Models	Investigative Models	Auditor/Monitor Models	
Frequently			
Rarely	Frequently	Sometimes	
Frequently	Sometimes	Frequently	
Rarely	Frequently	Sometimes	
Sometimes Frequently			
Sometimes	Frequently		
Rarely	Sometimes		
Rarely	Sometimes		
Frequ	Frequently Sometimes		
Some	etimes Rarely		
Sometimes	Frequently		
	Rarely  Frequently  Rarely  Some Sometimes  Rarely  Rarely  Frequently  Sometimes	Models Frequently  Rarely Frequently  Sometimes  Sometimes  Sometimes  Frequently  Sometimes  Frequently  Frequently  Sometimes  Frequently  Sometimes  Frequently  Sometimes  Sometimes  Frequently  Sometimes	

<sup>\*</sup> Determines whether or not it will be investigated

\*\* Findings include: Sustained, Exonerated, Unfounded, Not Sustained, Withdrawn, and Other

\*\*\* Hear appeals of the complainant

<sup>&</sup>lt;sup>22</sup> Office of the Police Monitor. 2018. Preliminary Police Oversight Analysis. January 2021.

### Comparative Overview of Model Examples

### **Review-Focused Models Comparisons**

	Detroit, MI BOPC	Kansas City, MO OCC	Indianapolis, IN CPCB	Boise, ID CPO
Legal Authority	City Charter	Statute	City Ordinance	City Ordinance
Receives community complaints	✓	✓	✓	✓
Decides how a complaint will be handled	<b>✓</b>	<b>~</b>	*	✓
Reviews Police Complaint investigations for thoroughness, completeness and accuracy	<b>√</b>	✓	<b>→</b>	<b>&gt;</b>
Conducts independent fact-findings investigations	N/A	N/A	N/A	<b>✓</b>
Performs data driven policy evaluations	✓	N/A	N/A	N/A
Can recommend findings on investigations	•	*	<b>✓</b>	<b>✓</b>
Recommends discipline to police chief	✓	✓	N/A	✓
Has access to Internal Affairs records/documents	N/A	N/A	N/A	<b>✓</b>
Has/ will have Paid Professional Staff	N/A	N/A	N/A	✓
Has a board composed of community members	✓	N/A	✓	N/A
Authority to implement policies or procedures	N/A	N/A	N/A	N/A
Authority to implement discipline	N/A	N/A	N/A	N/A

### **Investigative Model Comparisons**

	San Diego, CA CPP	Atlanta, GA ACRB	Oakland, CA CPRA	Chicago, IL COPA
Legal Authority	Municipal Code	City Ordinance	City Ordinance	Municipal Ordinance
Receives community complaints	✓	✓	✓	✓
Decides how a complaint will be handled	<b>*</b>	<b>*</b>	1	✓
Reviews Police Complaint investigations for thoroughness, completeness and accuracy	<b>✓</b>	✓	<b>✓</b>	✓
Conducts independent fact-findings investigations	~	<b>*</b>	<b>√</b>	<b>*</b>
Performs data driven policy evaluations	✓	✓	✓	✓
Can recommend findings on investigations	•	*	<b>✓</b>	✓
Recommends discipline to police chief	✓	✓	✓	✓
Has access to Internal Affairs records/documents	*	<b>√</b>	✓	✓
Has/ will have Paid Professional Staff	✓	N/A	N/A	✓
Has a board composed of community members	✓	✓	✓	✓
Authority to implement policies or procedures	N/A	N/A	✓	N/A
Authority to implement discipline	N/A	N/A	✓	✓

### Auditor/Monitor Model Comparisons

	Denver, CO OIM	New Orleans, LA	New York, NY CCRB
Legal Authority	City Ordinance	City Ordinance	City Charter
Receives community complaints	✓	✓	✓
Decides how a complaint will be handled		✓	✓
Reviews Police Complaint investigations for thoroughness, completeness and accuracy	<b>✓</b>	✓	<b>✓</b>
Conducts independent fact-findings investigations	<b>✓</b>	*	<b>✓</b>
Performs data driven policy evaluations	✓	<b>✓</b>	<b>✓</b>
Can recommend findings on investigations	*	✓	
Recommends discipline to police chief	✓	✓	<b>✓</b>
Has access to Internal Affairs records/documents	<b>✓</b>	<b>√</b>	<b>→</b>
Has/ will have Paid Professional Staff	✓	✓	✓
Has a board composed of community members	✓	✓	✓
Authority to implement policies or procedures	✓	N/A	N/A
Authority to implement discipline	✓	N/A	N/A

### **Oversight Models in Massachusetts**

Four cities in Massachusetts have a form of police oversight: Boston, Cambridge, Pittsfield, and Springfield

### Office of Police Accountability and Transparency

Boston, MA

Oversight Model: Hybrid - Review-Focused &

Investigative

**City Population:** 684, 379 (2019)

- Consists of 3 commissioners, overseeing the review and investigative boards
- Meets internally and with members of the City Council and Mayor

#### Citizen Review Board

- Reviews and investigates complaints against BPD
- 9 Members appointed by Mayor on nominees submitted by City
- Council and community organizations
- Has access to all material relative to complaint, except those protected by law
- Makes recommendations to Police Commissioner

#### Internal Affairs Oversight Panel

- Provides external oversight of BPD internal affairs investigations
- 5 Members appointed by Mayor on nominees submitted
- Makes recommendations to OPAT Staff, Chief of Police, and/or Police Commissioner



Cambridge, MA

Oversight Model: Review-Focused City Population: 116, 632 (2019)

- 5 Members appointed by the City Manager oversee complaints received against police officers
- Receives civilian complaints and, if necessary, conducts investigation
- Makes recommendations concerning discipline of employees to Cambridge Police Department
- Has subpoena power

### Police Advisory and Review Board (PARB)

Pittsfield, MA

Oversight Model: Review-Focused City Population: 42, 766 (2019)

- Receives civilian complaints against Pittsfield
   Police Department (PPD)
- Made up of citizens
- Makes recommendations to PPD regarding needs of community

#### **Community Police Hearing Board (CPHB)**

Springfield, MA

Oversight Model: Review-Focused City Population: 154, 139 (2019)

- Hearing Board
- In contract with Police Commissioner

 Can review civilian complaints and make recommendations of discipline

### Office of Police Accountability and Transparency (OPAT)<sup>23</sup>

Boston, MA

The Office of Police Accountability and Transparency was signed into law by Mayor Marty Walsh in January 2021. OPAT will include two branches of an oversight agency: a civilian review board and an internal affairs oversight panel that will investigate citizen complaints against police and internal police investigations conducted by the police department.

The agency will also have subpoena power to compel witnesses and documents as part of its investigations. The oversight agency was previously approved by City councilors who added stronger language about discipline recommended by the civilian review board. The investigative prong of the board will have access to all materials in completed internal affairs, except those protected by law. Ultimately, the Police Commissioner will have the final word on whether or how a Boston police officer is disciplined for misconduct, but if the commissioner does not follow the civilian review board's recommendation, the commissioner will have to report back and explain why.



### Police Review & Advisory Board (PRAB)24

Cambridge, MA

The Police Review & Advisory Board (PRAB) was established by Cambridge City Ordinance with the purpose to provide for citizen participation in reviewing police department policies, practices, and procedures. The agency also aims to provide impartial investigations of complaints made by the public against Cambridge Police Department officers.

The PRAB is made up of 5 members, appointed by the City Manager. Investigative staff and other staff are allowed to be contracted from time to time as is necessary for the agency to carry out its duties. In addition, the board has authority to mediate between complainants and respondents. The board meets at least once a month to review validity of complaints and community outreach endeavors.

<sup>&</sup>lt;sup>23</sup> City of Boston Code, Ordinances: Office of Police Accountability and Transparency, Chapter XII § 12-16 (2021)

<sup>&</sup>lt;sup>24</sup> Cambridge, Massachusetts Code of Ordinances Sec. 2.74.010

### Police Advisory and Review Board (PARB)<sup>25</sup>

Pittsfield, MA

In its numbered attempt at creating a police oversight agency, the City of Pittsfield established its Police Advisory and Review Board in early 2019. The goals of the board are to advise the Mayor, the City Council, and the Police Department regarding police matters and to assist with the adoption and revision of rules and regulations related to the Police Department, and to provide an impartial and fair review of complaints brought by community members against the PPD.

Although in June 2020, Ellen Maxon, the Chair of board, informed the Mayor and the City Council that the board's power was limited by the ordinance that created it;<sup>26</sup> the ordinance establishes a training program for members involving Pittsfield Police Department policies, practices and procedures to better improve relations with the community. In addition, no more than 11 members are allowed to serve on the board and all are appointed by the Mayor with City Council approval. Although The ordinance creating PARB requires that at least one member with law enforcement experience and at least one member from a civil rights advocacy group be appointed.



### Community Police Hearing Board (CPHB)<sup>27</sup>

Springfield, MA

Since its creation in 2010, the Community Police Hearing Board of Springfield has been revised multiple times, the last time being in 2019. The CPHB was created through the Mayor's Executive power. Compromise between the Mayor and the City Council are stalemate, where Mayor Domenic Sarno wants to grant the CPHB subpoena power and increase the number of members from 5 to 9 (and where all members would be appointed by the Mayor).

The City Council has voted to grant subpoena power, but to allow civilians to be in charge of all personnel decisions. The Mayor has rejected its proposal and currently has the authority to appoint the 9 members of the CPHB. Although the agency is running, public trust is low.

<sup>&</sup>lt;sup>25</sup> City of Pittsfield, Ma: The Code, Article XXXVII §2-191 (2019).

<sup>&</sup>lt;sup>26</sup> Maxon, E. (n.d.). Letter to Mayor and City Council at 52.

<sup>&</sup>lt;sup>27</sup> Law dept. city of SPRINGFIELD, Ma: Executive orders. (n.d.).

### Massachusetts Police Reform Bill

In late December 2020, Governor Charlie Baker signed a landmark police reform measure into law that allows a majority-civilian board to hear complaints from the public and to directly discipline police officers.<sup>28</sup>

Until now, Massachusetts did not have an on-going training system for municipal police departments that provided training opportunities to allow officers to meet annual training requirements. In an effort to improve accountability within municipal police departments, State Auditor Suzanne M. Bump called for a system that would set minimum training standards, regulate training programs and set standards for maintenance of police licensure or certification.

Under the new law, a nine-member board will have the authority to certify officers and develop standards and processes for de-certification, suspension, or reprimand. This certification process will take every three years. The board will also have the authority to investigate cases of alleged misconduct.

### Other highlights of the bill include:

Barring use of choke holds

Barring firing shots to a fleeing vehicle

Duty of officers to intervene where fellow officers are using unnecessary force and to report it

Limitations on "no-knock" warrants

Duty to de-escalate

Banning of racial profiling

Granting subpoena power to the oversight committee

Although there has been a lot of praise of the bill, recently regarded as a much-needed measure, activists and advocates feel that it falls short of adequately reforming qualified immunity. Still, the bill is considered a good first-step in policing within Massachusetts municipalities. In any case, the formation of this oversight structure can, and likely will, influence the structures of police oversight committees throughout Massachusetts, as well as the authority those committees can have.

<sup>&</sup>lt;sup>28</sup> Mass. Gen. Laws, Chapter 253.

### Oversight in Somerville

Community reaction regarding the "Boston's Straight Pride Parade" of 2019, led the City of Somerville to host a public forum to address the next steps for police-community relations.

A result of that meeting was a community call for civilian oversight that has "enforcement" authority for disciplinary actions as well as an external body where individual can submit complaints against officers.<sup>29</sup>

In response to the cries of racial injustices and police brutality across the nation in the summer of 2020, Somerville stakeholders continued to embark on missions of police reform:



In June of 2020, Somerville officially declared Systemic Racism a Public Safety and Health Emergency, and Mayor Joseph Curtatone announced next steps in the effort to provide unbiased community policing.<sup>31</sup>

#### **Proposed Plans for Community Input**

In order to determine the "best practice" for Somerville's Civilian Oversight Committee, community feedback and input is vital, and will be obtained with public trust. Among many efforts to obtain community insight, Outreach Coordinator, R. Mason, has proposed the following engagements:

### 堪 Virtual Town hall Meetings

The first of which is scheduled for March 24, 2021 at 6:30pm, these events will serve as a forum to educate the public about oversight models and invite conversations of personal experiences, concerns, and ideas for oversight. Multilingual translation will be provided. Following the first Town Hall, a number of small-group, conversation-based meetings will be held with residents expressing interest in following up, as well as specifically-invited groups (see below.)

### Information Surveys (in multiple languages)

For an indication of what structure the community wants, their expectations, and the level of their engagement with an oversight committee, Somerville community members will be asked to fill out surveys regarding their knowledge and opinions of potential oversight in Somerville. The survey will be available in multiple languages, and active efforts will be made to seek out community members from many diverse backgrounds.

### "Brave Space Conversation Series: Defining Defund"

An opportunity for residents on the "defund" spectrum to engage in conversations that can provide this committee with first-hand experience of police interactions.

### 🖶 "Ward Warriors"

A series of small-group conversations with community organizers, including religious leaders and agencies that have influence and a following within the community, where attendees can engage with Councilors about aspects of civilian oversight.

<sup>&</sup>lt;sup>29</sup> City of Somerville, Community Dialogue: Next Steps for Police-Community Relations. January 2020.

<sup>&</sup>lt;sup>30</sup> City of Somerville. *Not Just Police Reform, Reimagining Policing*. Not Just Police Reform, Reimagining Policing | City of Somerville. https://www.somervillema.gov/policereform.

<sup>&</sup>lt;sup>31</sup> Somerville to Officially Declare Systemic Racism a Public Safety and Health Emergency Mayor Curtatone Announces Next Steps in Ongoing Efforts to Provide Just, Unbiased, and Compassionate Community Policing. (2020). City of Somerville.



### "Somerville Samplets"

The outreach coordinator will seek to work with local food pantries to provide literature and information regarding the Civilian Oversight process. Ensuring that food pantries are stocked with culturally-specific foods can help us bridge the gap in communication and provide insight from often marginalized community members who don't necessarily trust the Somerville Police Department nor the City Council.

